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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,496	06/07/2000	Yechiam Yemini	18704-012	8509

7590

10/15/2002

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1585 Broadway  
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EXAMINER

WORJLOH, JALATEE

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 10/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/589,496

Applicant(s)

YEMINI ET AL.

Examiner

Jalatee Worjloh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☒ Claim(s) 1,2 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2000 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,5. 6) ☐ Other:

### **DETAILED ACTION**

1. Claims 1-21 have been examined.

#### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: V (see pg. 25, line 9), 124 (see pg. 40, line 6). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

#### ***Specification***

4. The disclosure is objected to because of the following informalities: missing information on page 1; Applicant is required to submit the missing data.

Appropriate correction is required.

#### ***Claim Objections***

5. Claim 1 is objected to because of the following informalities: typographical error; please remove "security electronic" line 5. Appropriate correction is required.

6. Claim 2 is objected to because of the following informalities: typographical error; please remove security in the phrase "security electronic security value" (see line 3).

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7. Claim 12 is objected to because of the following informalities: typographical error; please remove security in the phrase “security electronic security value” (see lines 4, 6, 7).

***Claim Rejections - 35 USC § 102***

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claims 1-6, 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6453305 to Glassman et al.

Glassman et al. disclose selectively distributing electronic security value units (i.e. “scrips”) to a component of said electronic system; and controlling access to said resource based on a price in electronic security value units established for said resource and based on an amount of payment by said component, wherein said payment consists of said electronic security value units previously distributed to said component (see col. 3, lines 63-65; col. 4, lines 47-48, 63-66; col. 5, lines 9-14).

Referring to claim 2, Glassman et al. disclose approving access to said resource if the security value units (i.e. “scrip”) covers the requested resource (see col. 5, lines 13-44). Since Glassman et al.’s system approves component access to resource if the component has the

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require security value unit it can be infer that the system denies component access to said resources when said component pays an amount of said electronic security value units less than said price established for said resources. Therefore, the step of denying said component access is obvious.

Referring to claim 3, Glassman et al. disclose determining whether to distribute any of said electronic security value units to said component (see col. 7, lines 55-64).

Referring to claims 4 and 5, Glassman et al. disclose the step of controlling access is further based on limiting the number of accesses to said resource, by said component, regardless of the amount of said electronic security value units paid by said component and based on limiting the rate of accesses to said resource by said component (see col. 5, lines 30-33).

Referring to claim 6, Glassman et al. disclose said electronic security value units ay be used to access a group of one or more resources in said electronic system (see col. 5, lines 9-14).

Referring to claim 8, Glassman et al. disclose the method wherein said electronic system is a network, and said component is a client in said network (see col. 3, lines 48-51).

Referring to claims 9 and 10, Glassman et al. disclose a first field for indicating a quantity of electronic security value units in said instrument; a second field for indicating a group of one or more resources with which said electronic security value instrument is associated, wherein said electronic security value instrument is used to control access by components to resources in said group of resources based on prices in electronic security value units established for said resources and the quantities of electronic security value units paid by said components, a third field providing an identifier of said electronic security value instrument and a fourth filed indicating a specific resource in said group of one or more resources that said

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particular component may access (see col. 5, lines 9-29). Note. Glassman et al. states "the props field hold consumer properties, such as the consumer's age, state of residence, employer, etc."; the examiner presumes that he props filed may also include a group of one or more resources with which said electronic security value instrument is associated without altering or departing from the scope of the invention.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glassman et al. as applied to claim 1 above, and further in view of U.S. Patent No. 6427140 to Ginter et al.

Glassman et al. disclose controlling access to said resource based on a price (see col. 3, lines 63-65; col. 4, lines 47-48, 63-66; col. 5, lines 9-14). Glassman et al. do not expressly disclose said price is particular to said component, such that said price is different for other components of said electronic system. Ginter et al. disclose said price is particular to said component, such that said price is different for other components of said electronic system (see col. 30, lines 66-67; col. 31, lines 1-4). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the price disclose by Glassman et al. wherein said price is particular to said component, such that said price is different for other components of said electronic system. One of ordinary skill in the art would have been motivated to do this because it may provide discounts to senior citizens and students.

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11. Claims 11 –18, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glassman et al. in view of U.S. Patent No. 6338046 to Saari et al.

Glassman et al. disclose an electronic bank server for selectively distributing electronic security value units to a component in said system, said electronic security value units being unique to said group of one or more resources, wherein access to a particular resource in said group by said component is determined by said pricing strategy and an amount of payment by said component, wherein said payment consists of said electronic security value units previously distributed to said component (see col. 3, lines 59-65; col. 4, lines 47-48; col. 5, lines 9-14).

Glassman et al. do not expressly disclose a resource manager for determining a pricing strategy in electronic security value units for a group of one or more resources in said system. Saari et al. disclose a resource manager for determining a pricing strategy in electronic security value units for a group of one or more resources in said system (see col. 4, lines 18-24). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclosed by Glassman et al. to include a resource manager for determining a pricing strategy in electronic security value units for a group of one or more resources in said system. One of ordinary skill in the art would have been motivated to do this it is an essential step; that is, before charging a component to access the resource a price must be determined.

Referring to claims 12 and 13, Glassman et al. disclose selectively distributing a budget, in said security electronic security value units, to said component, said budget being an amount of said security electronic security value units; controlling access to said resource, based on said price and on an amount of payment from said component, wherein said payment is at least a portion of said budget distributed to said component (see col. 3, lines 63-65; col. 4, lines 47-48,

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63-66; col. 5, lines 9-16), and determining the number of accesses that can be accomplished by said component to said resource based on said budget and said price (see col. 5, lines 30-33).

Note. Glassman et al.'s security value unit (i.e. "scrip") has an expiration date, which determines the number of accesses that can be accomplished by said component. Glassman et al. do not expressly disclose establishing a price of said resource, wherein the price can be dynamically adjusted at any time. Saari et al. disclose establishing a price of said resource (see col. 4, lines 18-24), wherein the price can be dynamically adjusted at any time. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Glassman et al. to include the step of establishing a price, in said electronic security value units, of said resource, wherein the price can be dynamically adjusted at any time.

Referring to claim 14, Glassman et al. disclose said budget can be dynamically adjusted at anytime (see col. 3, lines 14-17).

Referring to claim 15, Glassman et al. disclose the method wherein said step of determining the number of accesses that can be accomplished by said component to each said resource of said group (see col. 5, lines 30-33). Note. Glassman et al.'s security value unit (i.e. "scrip") has an expiration date, which determines the number of accesses that can be accomplished by said component to each said resource of said group. Glassman et al. do not expressly disclose the method wherein said resource can comprise a group of resources each resource of said group having a respective price. Saari et al. the method wherein said resource can comprise a group of resources each resource of said group having a respective price (see col. 4, lines 18-29). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Glassman et al. to include the method



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wherein said resource can comprise a group of resources each resource of said group having a respective price. One of ordinary skill in the art would have been motivated to do this because it is a method for “implementing a flexible and effective charging capability that accounts for the particular use of a network service connections and other resources by users of a network” (see Saari et al. col. 1, lines 62-67).

Saari et al. disclose the method wherein said resource can comprise a group of resources, each resource of said group having a respective price,

Referring to claim 16, Glassman et al. disclose the method wherein said component can comprise a group of components, each component of said group having a respective budget, and wherein said step of determining further comprises the step of determining the number of accesses that can be accomplished by each said component of said group of components to said resource (see col. 5, lines 9-16, 30-33 48-56). Note. Glassman et al.’s security value unit (i.e. “scrip”) has an expiration date, which determines the number of accesses that can be accomplished by said component to each said resource of said group.

Referring to claim 17, Glassman et al. disclose approving access to said resource if the security value units (i.e. “scrip”) covers the requested resource (see col. 5, lines 13-44). Since Glassman et al.’s system approves component access to resource if the component has the require security value unit it can be infer that the system denies component access to said resources when said payment from said component is less than said price established for said resources. Therefore, the step of denying said component access is obvious.

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Referring to claim 18, Glassman et al. disclose the step of controlling access is further based on limiting the number of accesses to said resource, by said component, regardless of the amount of said payment (see col. 5, lines 30-33).

Referring to claim 21, Glassman et al. disclose the method wherein said step of selectively distributing said budget is based on said price and a limit on said number of accesses to said resource by said component (see col. 3, lines 8-17; col. 4, lines 45-47, 63-64). Note. Glassman et al. do not expressly disclose selectively distributing said budget is based on said price (price of resource) but does disclose a consumer exchanging broker scrips for vendor scrips; the consumer purchases the amount of scrip needed to access the resource, which is the process of distributing said budget based on said price.

12. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glassman et al., Saari et al. as applied to claim 12 above, and further in view of U.S. Patent No. 6427140 to Ginter et al.

Glassman et al. disclose controlling access to said resource based on a price (see col. 3, lines 63-65; col. 4, lines 47-48, 63-66; col. 5, lines 9-14). Glassman et al. do not expressly disclose said price is particular to said component, such that said price is different for other components of said electronic system. Ginter et al. disclose said price is particular to said component, such that said price is different for other components of said electronic system (see col. 30, lines 66-67; col. 31, lines 1-4). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the price disclose by Glassman et al. wherein said price is particular to said component, such that said price is different for other

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components of said electronic system. One of ordinary skill in the art would have been motivated to do this because it may provide discounts to senior citizens and students.

Referring to claim 20, Saari et al. disclose the method wherein said step of establishing a price is based on said budget and a limit on said number of accesses to said resource by said component (see col. 2, lines 14-20).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjlloh whose telephone number is 703-305-0057. The examiner can normally be reached on Mondays-Thursdays 8:30 - 7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Any response to this action should be mailed to: **Commissioner of Patents and Trademarks, Washington, DC 20231.**

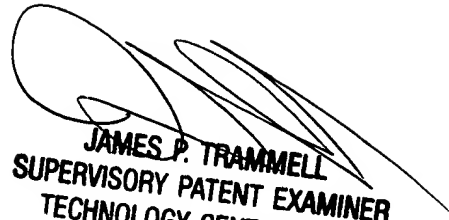
Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, V.A., Seventh floor receptionist.

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October 8, 2002



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